

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. Chairman Landis invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published July 8, 2009 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 14, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, July 14, 2009

NG-0059/
PI-149
1:00 Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate and establish procedural filing requirements for decoupling applications. Commissioner Frank Landis presiding as Hearing Officer.

Wednesday, July 15, 2009

PI-139
10:00 2nd Floor Atrium Conference Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate the establishment of an insurance fund to provide additional protection for grain transactions. Commissioner Jerry Vap presiding as Hearing Officer.

Tuesday, July 21, 2009

TR-172
10:00 Commission Hearing Room, Lincoln. In the Matter of Servant Cab Company, LLC, Lincoln, seeking authority to adjust its rates and charges. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4171 In the Matter of IT Communications, LLC, Newton, Iowa, seeking authority to operate as a local exchange carrier and interexchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4172 In the Matter of Norstan Network Services, Inc., Tampa, Florida, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

C-4174 In the Matter of 1-800-Reconex, Inc., d/b/a U.S.Tel, Hubbard, Oregon, seeking to withdraw its authority as a local exchange and interexchange carrier within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting applicant's request to withdraw its local exchange and interexchange authority. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

C-4175 In the Matter of Talk America Inc. d/b/a Cavalier Telephone d/b/a Cavalier Business Communications, Richmond, Virginia, seeking to withdraw its authority as an interexchange long distance carrier within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting applicant's request to withdraw its interexchange authority. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

C-4178 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Burnsville, Minnesota, seeking to revise their depreciation rates: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

FC-1336 In the Matter of the Formal Complaint of Nebraska Technology & Telecommunications, Inc., Omaha, alleging violation of the Interconnection Agreement and of anti-competitive behavior of Windstream Nebraska, Inc., Little Rock, Arkansas. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter a protective order. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders in Dockets C-4173 and C-4177 approving the agreements. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

C-4173 In the Matter of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of an interconnection, collocation and resale agreement with Allo Communications, LLC, Imperial.

C-4177 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Performance Assurance Plan Amendment to the interconnection agreement with NetTalk.Com, Inc., North Miami Beach, Florida, previously approved in Docket C-4157.

E-2218 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte, Butler and Saunders Counties: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

Gene Hand informed the Commission of a letter dated July 7, 2009, filed by OnStar, LLC making it clear OnStar is not a party to their parent company's (General Motors Corporation) bankruptcy filing.

Gene Hand provided updates relative to the American Recovery and Reinvestment Act (ARRA) Notices of Funds available to deploy and map broadband infrastructure.

C-4165/ In the Matter of the Commission, on its own motion, seeking
PI-150 to investigate whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic. Gene Hand informed the Commission that a Hearing Officer's order was entered July 14, 2009, amending the procedural schedule.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-033.10 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Long Lines Wireless, LLC, Sergeant Bluff, Iowa, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.80 In the Matter of Pierce County, Public Safety Answering Point, Pierce, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Sue Vanicek informed the Commission that the previously cancelled Norfolk video link for the hearing held on July 8, 2009, was reconnected for the Norfolk attendees.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Long Lines Wireless, LLC, Sergeant Bluff, Iowa, Respondent(s): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

FC-1333 In the Matter of Tim Edens, North Platte vs. NorthWestern Energy, Sioux Falls, South Dakota, alleging inaccurate billing. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NG-0013 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, *Neb. Rev. Stat. § 66-1801 et seq.* Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter Progression Order No. 24. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram, Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter Assessment Orders in Dockets FC-1327, NG-0007.6/PI-151, NG-0039, NG-0046/PI-128 and NG-0057. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

FC-1327 In the Matter of the Formal Complaint of the Nebraska Public
HS-0030 Advocate seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Jerry Vap presiding as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0007.6/ In the Matter of Black Hills Energy, Omaha, seeking to amend
PI-151 the Black Hills Energy Tariff with the Third Revised Tariff
HS-001 Sheet Index No. 8, to provide for an Annual Retail Service
Credit, pursuant to *Neb. Rev. Stat. sec. 66-1808*. Commis-
sioner Tim Schram presiding as Hearing Officer.

NG-0039 In the Matter of the joint application of Kinder Morgan,
HS-0011 Inc., Houston, Texas; KM Retail Utilities Holdco LLC,
Houston, Texas; Source Gas Distribution LLC, Lakewood,
Colorado, Source Gas Holdings LLC, Stamford, Connecticut;
and Source Gas LLC, Stamford, Connecticut; seeking approval
of (1) the proposed transfer of Kinder Morgan, Inc.'s
Nebraska Certificate of Convenience and utility assets to
Source Gas Distribution LLC; and (2) the proposed change of
control of Source Gas Distribution LLC from Kinder Morgan,
Inc. to Source Gas LLC. Commissioner Jerry Vap presiding
as Hearing Officer.

NG-0046/ In the Matter of the Commission, on its own motion, seeking
PI-128 to investigate certain customer service issues and plans
HS-0015 relating to SourceGas Distribution LLC, f/k/a Kinder Mor-
gan, Inc., Lakewood, Colorado. Commissioner Jerry Vap
presiding as Hearing Officer.

NG-0057 In the Matter of gas supply cost adjustment schedules
HS-004 implemented by SourceGas Distribution LLC, Lakewood,
Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Com-
missioner Jerry Vap presiding as Hearing Officer.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#172 Regulations, to add rules regarding customer billing prac-
tices. Commissioner Frank Landis presiding as Hearing Of-
ficer: Nichole Mulcahy informed the Commission that a Hearing Offi-
cer's order was entered July 9, 2009 granting a Motion Pro Hac Vice.
Motion made by Commissioner Tim Schram, seconded by Commissioner Anne
Boyle, to enter an order scheduling a workshop for July 28, 2009 in
the Commission Hearing Room, Lincoln. Motion passed with Commissioners
Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE and
Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

B-1714, In the Matter of Caring People Sudan, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in open class service in the transportation of passengers and their baggage by van for Nebraska Department of Health and Human Services clients between points in Douglas and Sarpy counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, a video hearing was scheduled for September 2, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, Room 207, 1313 Farnam Street, Omaha. Commissioner Anne Boyle was appointed as Hearing Officer.

B-1737 In the Matter of Shera Clift, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in service in the transportation by van of clients of the Nebraska Department of Health and Human Services and their baggage in open class service between points in Douglas County, Sarpy County, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

B-1743 In the Matter of Terry L. Blakey Enterprise, LLC, Omaha, seeking to acquire, through transfer, the certificate held by Prime Consultants, Inc., dba Goodwill Medical Transportation in Certificate Number B-1555: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

M-14205 In the Matter of Tymar, LLC, dba Second to None Moving, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods by truck between points in Cass, Sarpy, Douglas and Washington counties and between points in said counties over irregular routes: Upon agreement of all Commissioners, a video hearing was scheduled for August 5, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, Room 207, 1313 Farnam Street, Omaha. Commissioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-350 In the Matter of Caring People Sudan, Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

BR-352 In the Matter of Papio Transport Service, Inc., Papillion, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the authority on an emergency basis.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$.56 per mile and the Tariff 22 fuel surcharge was decreased to \$2.04 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-145 Auburn Elevator Company, Auburn: Corn
GW-445 Farmers Union Cooperative Co., Spencer: Corn
GW-2133 The Soular Company, Hershey: Wheat and Soybeans

GW-2132 In the Matter of The Scoular Company, Sidney, seeking approval of emergency storage: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle to enter an order granting the request. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Attorney General	\$	2,722.00
HHSS Reg. & License		1,554.76
NARUC-TR Daily Subscription		1,900.50
NARUC-FY 2010 Membership Assessment		9,691.00
Voyager		1,993.32
West		855.75

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to surplus a 2000 Chevy Lumina, Vehicle #10323. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

The meeting adjourned at 10:37 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on July 28, 2009, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on July 27, 2009.

Chairman

Executive Director